

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

JULIA MERCADO ECHEVARRÍA,
et al.,

Plaintiffs,

v.

PUERTO RICO DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Civil No. 07-2134 (JAF)

O R D E R

On November 29, 2007, Plaintiffs, Julia Mercado Echevarría ("Mercado") and her minor child Linnette Oramas Mercado, brought a pro-se action against Defendants, the Puerto Rico Department of Corrections ("DOC"); DOC employees Miguel A. Pereira Castillo, Fernando Fernández Correa, Annie González, Hilda Santos, Ivette Bodón González, and Rafael Santiago; and the General Workers' Union-UNECAD ("Union") and its director, Juan Eliza. Docket No. 24.

On May 7, 2008, we granted a motion for a more definite statement filed by the Union, Docket No. 3, and ordered Plaintiffs to file an amended complaint clarifying their claims, Docket No. 6. The Union and Eliza moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on June 24, 2008, and again on August 29, 2008, arguing that Plaintiffs had failed to comply with our order to amend their complaint and that the complaint as it stood

Civil No. 07-2134 (JAF)

-2-

1 failed to state a claim upon which relief could be granted. Docket
2 Nos. 11, 15.

3 On September 25, 2008, we again granted Plaintiffs leave to
4 amend their original, pro-se complaint because Plaintiffs had since
5 retained counsel. Docket No. 19. Plaintiffs, now with the assistance
6 of counsel, opposed the motion to dismiss on October 3, 2008, Docket
7 No. 20, and filed an amended complaint on October 6, 2008, Docket
8 No. 24. As Plaintiffs have amended their complaint to comply with our
9 May 7, 2008, Order, Docket No. 6, Eliza and the Union's motions to
10 dismiss are now moot.

11 Accordingly, we **DENY** Defendants Eliza and the Union's motions to
12 dismiss, Docket Nos. 11, 15, as **MOOT.**

13 **IT IS SO ORDERED.**

14 San Juan, Puerto Rico, this 9th day of February, 2009.

15 s/José Antonio Fusté
16 JOSE ANTONIO FUSTE
17 Chief U.S. District Judge